fied that during the struggle between the defendant and the deceased a bystander said to him, "Joe, he's going to cut him to pieces, ain't he?" This evidence was excluded. *Held*, that the exclusion was erroneous. *State* v. *Carraway*, 107 S. E. 142 (N. C.).

Words used testimonially derive their value from the credit of the person testifying. If the speaker is not on the stand with his credibility subject to the test of cross-examination, his words must be excluded as hearsay, unless, indeed, his credit may be otherwise vouched for. See *S. W. School Dist.* v. *Williams*, 48 Conn. 504; *Hately* v. *Kiser*, 253 Ill. 288, 97 N. E. 651; *United States* v. *Macomb*, 5 McLean (U. S.), 286 (Circ. Ct., Ill.). See 2 WIGMORE, EVIDENCE, § 1420. Utterances made under the stimulus of an exciting event, in reference to that event, are the automatic and ingenuous turning of perceptions into words. *State* v. *Hudspeth*, 159 Mo. 178, 60 S. W. 136; *Eby* v. *Travelers Ins. Co.*, 258 Pa. St. 525, 102 Atl. 209. See MCKELVY, EVIDENCE, § 208. The occasion of the utterance guarantees as to that utterance the credit of the speaker, and it is immaterial whether he be a principal in the event or a bystander. *State* v. *Walker*, 78 Mo. 380; *Britton* v. *Wash. Water Power Co.*, 59 Wash. 440, 110 Pac. 20. See 3 WIGMORE, EVIDENCE, § 1755. Upon that basis the statement in the principal case was correctly received. It may be urged that in these cases of "contemporaneous exclamatory narration" the excitement is likely to blur the perceptive faculties and so render the evidence unreliable. But would not this equally apply were the declarant to testify in person? The weight of authority is with the principal case. See 3 WIGMORE, EVIDENCE, § 1755. The decisions *contra* usually lose themselves in a discussion, where there should be analysis, of the *res gesta* doctrines. *Flynn* v. *State*, 43 Ark. 289; *Louisville Ry.* v. *Johnson*, 131 Ky. 277, 115 S. W. 207; *State* v. *Howard*, 120 La. 311, 45 So. 260.

INTERNATIONAL LAW — NATIONALITY — CONDITION OF STATELESSNESS. — The plaintiff was born in Prussia. Becoming of age, he obtained his release from Prussian nationality, and made his home in England. He did not become a naturalized British subject. After twenty years' domicil in England he was interned, and, in 1918, deported. After the war, the property of "German nationals" situate within the territories of the British Crown became subject to certain charges (TREATY OF VERSAILLES, Part X, § iv, Annex, clause 4). The plaintiff sues the Public Trustee and the Attorney-General for a declaration that he was not a German national within the meaning of the Treaty. *Held*, that the declaration be granted. *Stoeck* v. *Public Trustee*, [1921] 2 Ch. 67.

On principles of international law, the municipal law of each state will be followed in deciding whether a particular individual is its national or not. See 3 MOORE, DIGEST OF INTERNATIONAL LAW, § 372; HERSHEY, ESSENTIALS OF INTERNATIONAL PUBLIC LAW, § 223. See also Theodore H. Thiesing, "Dual Allegiance in the German Law of Nationality and American Citizenship," 27 YALE L. J. 479, 482. The court, therefore, properly looked into the state of German law. By that law, the plaintiff had lost his German nationality. See BUNDES-GESETZBLATT DES NORDDEUTSCHEN BUNDES, No. 20, *vom* 1 Juni, 1870, §§ 14 *et seq.* (For translation, see CITIZENSHIP OF THE UNITED STATES, EXPATRIATION AND PROTECTION ABROAD, 59th Cong., 2d Sess., H. Doc. No. 326, pp. 329–330). Having become a subject of no other sovereign, the plaintiff was a stateless person. Such a condition is recognized by writers on international law. See HALL, INTERNATIONAL LAW, 7 ed., § 74; 1 OPPENHEIM, INTERNATIONAL LAW, 2 ed., §§ 311–312; BORCHARD, DIPLOMATIC PROTECTION OF CITIZENS ABROAD, § 262. But see MORSE, CITIZENSHIP, § 129. The principal case, however, seems to be the first actual decision of a common-law court to accept it. *Cf. Ex Parte Weber*, [1916] 1 K. B. 280 n, [1916] 1 A. C. 421; *Ludlam* v. *Ludlam*, 26 N. Y. 356, 374 *et seq.* But see *Séquestre de Jacob Ull-*

mann, 44 CLUNET, JOURNAL DU DROIT INTERNATIONAL PRIVÉ, 219. While probably correct in abstract legal theory, the result here reached is socially inexpedient. Aside from the injustice resulting to individuals in a condition of practical international outlawry, it would seem to be to the interest of organized society to admit of no person being without a political status. See 1 WESTLAKE, INTERNATIONAL LAW, 2 ed., 224. Particularly is this true in continental Europe, where the personal law depends on citizenship rather than on domicil. See *X.* v. *Y.*, 20 CLUNET, *op. cit.*, 530, 2 BEALE, CASES, CONFLICT OF LAWS. 37; *Cumming* v. *Cumming*, 23 CLUNET, *op. cit.*, 147, 2 BEALE, *op. cit.*, 40. The evident remedy seems to be a convention between states providing for uniform laws of nationality and naturalization. See 1 OPPENHEIM, *op. cit.*, § 313.

LIBEL AND SLANDER — PRIVILEGE — CHARACTER OF A SERVANT — PUBLICATION — DICTATION TO A STENOGRAPHER. — The plaintiff wrote requesting a statement regarding his services as a former employee of the defendant. The defendant replied in a letter dictated to his stenographer and transcribed and mailed by her. The letter related only to the character of the plaintiff's services. Both parties admitted that it was defamatory on its face. In an action for libel the defendant demurred. *Held*, that the demurrer be overruled. *Nelson* v. *Whitten*, 272 Fed. 135 (E. D. N. Y.).

Dictation to a stenographer is undoubtedly publication. *Gambrill* v. *Schooley*, 93 Md. 48, 48 Atl. 730. See *Pullman* v. *Hill & Co.*, [1891] 1 Q. B. 524, 527. Similarly, copying by a stenographer is publication. *Adams* v. *Lawson*, 17 Gratt. (Va.) 250; *Puterbaugh* v. *Furniture Co.*, 7 Ont. L. R. 582. But where a communication is made on a privileged occasion, publication to a typist, reasonably incident to the occasion, will not destroy the privilege. *Edmondson* v. *Birch & Co.*, [1907] 1 K. B. 371; *Bohlinger* v. *Germania Ins. Co.*, 100 Ark. 477, 140 S. W. 257. See 20 HARV. L. REV. 500. "An occasion is privileged when the person who makes the communication has a moral duty to make it to the person to whom he does make it, and the person who receives it has an interest in hearing it." *Per* Lord Esher, M. R., in *Pullman* v. *Hill & Co.*, *supra*, at 528. A communication by a former employer, in response to an inquiry from a prospective employer, is made upon a privileged occasion. *Child* v. *Affleck*, 9 B. & C. 403. See *Pullman* v. *Hill & Co.*, *supra*. And it seems that a reply to an inquiry from the employee is similarly made upon a privileged occasion. *Cf. Warr* v. *Jolly*, 6 C. & P. 497; *Hebner* v. *Great Northern Ry. Co.*, 78 Minn. 289, 80 N. W. 1128. In the principal case, the court ignored the question of privilege. It has been suggested that any dictation to a stenographer be made an exception to the rule of publication, but this proposition has no support in authority. See 4 ST. LOUIS L. REV. 42; 26 BENCH AND BAR, 105. The case also raises the neat question whether the wrong, if any, is libel or slander. See ODGERS, LIBEL AND SLANDER, 5 ed., 161; SALMOND, TORTS, 5 ed., 461. The view that either libel or slander can be maintained seems preferable. See *Gambrill* v. *Schooley*, 93 Md. 48, 64, 48 Atl. 730, 732.

PLEDGES — TRANSFER OF POSSESSION — BULKY GOODS. — The defendant agreed to pledge certain bulky goods to the plaintiff. The goods were set apart in a compartment in the defendant's premises, the door locked, and the key given to the plaintiff, together with a license to enter the premises and use the key. Later the defendant went into voluntary liquidation, and the plaintiff brought this action to recover the goods. *Held*, that the plaintiff is entitled to the goods as pledgee. *Wrightson* v. *McArthur and Hutchinsons, Ltd.*, 125 L. T. R. 383 (K. B.).

The rule is generally stated that to constitute a pledge valid against third parties the pledgee must have and retain possession. See *Collins* v. *Buck*,